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COMMUNICATION RE: PATENT TERM ADJUSTMENT
Examining Group 1639
Patent Application
Docket No. BKR.137T
Serial No. 10/522,037

January 17, 2011

Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Sue Xu Liu
Art Unit : 1639
Applicant : Renaud Nalin, Petar Pujic, Karine Tuphile, Benjamin Gillet,
Serial No. : 10/522,037
Conf. No. : 6742
Filed : April 18, 2005
For : Methods for the Expression of Unknown Environmental DNA into Adapted
Host Cells

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION REGARDING
PATENT TERM ADJUSTMENT

Sir:

The applicants received a Notice of Allowance dated November 3, 2010, in the above-identified patent application. The Determination of Patent Term Adjustment (PTA) Under 35 U.S.C. 154(b), which accompanied the Notice of Allowance, indicates that the patent for this application will be eligible for 264 days of Patent Term Adjustment (PTA). Applicants believe the patent is entitled to only 238 days of PTA.

A review of the PAIR record shows that a timely Response was filed on January 18, 2008, to the Office Action dated October 18, 2007. However, a Supplemental Response was later filed on February 13, 2008. Pursuant to 37 CFR 1.704(c)(8), this should have constituted a 26 day applicant

delay. However, while the PAIR record does show that the submission was received, there is no applicant delay indicated.

Pursuant to the Federal Register Notice of July 20, 2010 (Vol. 75, No. 138, pg. 42079), Applicants wish to make of record this error in PAIR with regard to the PTA for this application. Therefore, it is requested that this letter be placed in the file, but no action need be taken on the part of the Office.

Applicants do not believe there should be a fee associated with this Communication. But, the Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 that may be required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank C. Eisenschenk", with a long horizontal flourish extending to the right.

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